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RICHARD E. MOURDOCK
TREASURER OF STATE

February 17, 2010

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC. 20554-0005

RE: PS DOCKET NO. 09-14
NET 911 Act Information Collection

Dear Ms. Dortch:

Enclosed please find 1 original and 4 copies of the information your agency requested in your letter to Indiana Governor Mitch Daniels. As the Indiana State Treasurer I also serve as Chairman of the Indiana Wireless 9-1-1 Board. Should you have any questions please feel free to contact Ken Lowden, the Executive Director of the Indiana Wireless Board at (317) 234-2507 or Klowden@in911.net.

Sincerely,

Richard Mourdock
Treasurer, State of Indiana

Cc:
Governor Mitch Daniels
Todd Rokita, Indiana Secretary of State
Gerry Weaver, Chief Information Officer
David Lott Hardy, Chairman Indiana Utility Regulatory Commission
Best Copy and Printing, C/o FCC

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FEB 19 2010

FCC Mail Room

1. The State of Indiana has established a mechanism to fund VOIP, 911 and E911 services. The authority to fund VOIP, 911 and E911 services for the landline side can be found in the Indiana code site IC 36-8-16-5:

Sec. 5. (a) Subject to the limitations provided in section 6 of this chapter, the fiscal body of a county may adopt an ordinance to impose a monthly enhanced emergency telephone system fee for each exchange access facility used in the county.

(b) If a county fiscal body decides to impose a countywide fee and establish a countywide enhanced emergency telephone system, the county shall allow all public emergency response agencies in the county to participate in the enhanced emergency telephone system. The fee must be sufficient to pay the cost of the installation and operation of the enhanced emergency telephone system for all participating agencies.

(c) If a county fiscal body does not impose a fee under subsection (a), the legislative body of a municipality in the county may petition the county fiscal body to adopt an ordinance to impose a fee. If the county fiscal body does not respond to the petition within ninety (90) days, the legislative body of the municipality may adopt an ordinance to impose a fee for each exchange access facility used in the municipality, subject to section 6 of this chapter. If a county, in response to a municipality's petition, decides to impose a countywide fee, installation of the system must begin within one hundred eighty (180) days of the adoption of the ordinance. If installation has not begun within that time period, the county's response is void and the municipality may adopt an ordinance to impose a fee.

(d) If a county fiscal body decides to impose a countywide fee after a municipality has imposed a fee, the municipality's fee ordinance is superseded by the county ordinance and is void. However, the fee imposed by the county must include funds sufficient to meet the outstanding obligations of the municipality for the enhanced 911 system.

The wireless side obtains the authority to fund 911 or E911 services from the Indiana code site IC 36-8-16.5-25.5 (b):

Sec. 25.5. (b) Except as provided in section 34 of this chapter, the board shall assess a monthly wireless emergency enhanced 911 fee on each CMRS subscriber that is a customer having a place of primary use in Indiana. A customer's place of primary use shall be determined in the manner provided by IC 6-8.1-15. *As added by P.L.60-2003, SEC.3.*

2. The State of Indiana has collected over \$26.9 Million in Wireless 911 fees in the 2008 calendar year. The landline fees are collected at the local level by each of the 92 Indiana counties. These figures are audited annually by the Indiana State Board of Accounts and the 2009 figures will not be available until late 2010. According to the Indiana State Board of Accounts audit the counties collected \$37,304,273 in landline fees in 2008. This landline revenue is down from the 2007 numbers by over \$7.8 million.

The State of Indiana has established a procedure for distributing wireless funds collected for 911 or E911 services under the Indiana Wireless Enhanced 911 Board. All 92 Indiana

counties receive two wireless distributions on a monthly basis to be used specifically for 911 or E911 purposes. The first distribution uses a formula based on the population figures from the latest United States Census to distribute funds received in proportionately to all 92 counties. The second distribution is made equally to all 92 counties based on the funds received in.

The State of Indiana has established strict guidelines regarding the use of these funds. The landline criteria for the use of these 911 funds are defined in Indiana Code 36-8-16-14:

- Sec. 14. (a) The emergency telephone system fees shall be used only to pay for:
- (1) except as provided in subsection (c), the lease, purchase, or maintenance of enhanced emergency telephone equipment, including necessary computer hardware, software, and data base provisioning;
 - (2) the rates associated with the service suppliers' enhanced emergency telephone system network services;
 - (3) the personnel expenses of the emergency telephone system;
 - (4) the lease, purchase, construction, or maintenance of voice and data communications equipment, communications infrastructure, or other information technology necessary to provide emergency response services under authority of the unit imposing the fee; and
 - (5) an emergency telephone notification system under IC 36-8-21.

The rules of using these funds on the wireless side are clearly stated in Indiana Code 36-8-16.5-41:

- Sec. 41. (a) A PSAP shall use its distribution made under section 39 of this chapter for the lease, purchase, or maintenance of wireless enhanced emergency telephone equipment, including:
- (1) necessary computer hardware, software, and data base equipment;
 - (2) personnel expense and training;
 - (3) the provision of wireless enhanced emergency service; or
 - (4) educating consumers about the operations, limitations, role, and responsible use of enhanced 911 service.

3. There is a governing body that approves expenditures at the local level. By statute, the County Commissioner must approve all 911 and E911 expenditures. However, these 911 and E911 expenditures are audited annually by the Indiana State Board of Accounts. Indiana Code gives authority to the Indiana State Board of Accounts on the wireless side in section 36-8-16.5-41(d):

d) The state board of accounts annually shall audit the expenditures of wireless emergency enhanced 911 fees made during the immediately preceding calendar year by each PSAP that received distributions under section 39 of this chapter during the immediately preceding calendar year.

The Indiana State Board of Accounts authority on the landline side comes from Indiana Code 36-8-16-14-d:

(d) The state board of accounts annually shall audit the expenditures of emergency telephone system fees made during the immediately preceding calendar year by each unit that imposes a fee under section 5 of this chapter.

The Indiana Wireless E911 Board is further audited on a bi-annual basis by an outside auditing firm. The Indiana Code specifies this in 36-8-16.5-24:

Sec. 24. (a) The board shall select a third party to audit the fund every two (2) years to determine whether the fund is being managed in accordance with this chapter. The board shall pay for an audit by the third party auditor as an administrative cost of the board.

(b) Every two (2) years, the board shall review wireless 911 service in Indiana, including the collection, disbursement, and use of the wireless emergency enhanced 911 fee assessed under section 25.5 of this chapter. The purpose of the review is to ensure that the 911 fees:

(1) do not exceed the amount reasonably necessary to provide adequate and efficient wireless 911 service; and

(2) are used only for the purposes set forth in this chapter.

The board shall adopt a review conducted under this subsection.

As added by P.L.98-1998, SEC.1. Amended by P.L.16-2002, SEC.7; P.L.146-2005, SEC.1.

4. All funds that have been collected by the State of Indiana for VOIP, 911 and E911 purposes have been made available for the purposes statutorily designated. These funds are statutorily mandated to be placed in separate accounts for the wireless and the landline revenues. The funds are not supposed to be co-mingled. However, during their 2008 annual audit the Indiana State Board of Accounts found minor incidents of funds being used in a manner other than the intended designation. These infractions were neither fraudulent nor deliberate and very minimal in scope.

5. At no time did the State of Indiana make VOIP, 911 or E911 funds available for any other purpose than the maintenance, enhancement or furthering of 911 services in the State of Indiana. The funds have never been given to or "raided" by the legislature of the State of Indiana.

6. Like most states, Indiana is experiencing a serious reduction in landline 911 revenue because of the loss of landline subscriber reductions. We are also experiencing a loss of prepaid 911 revenue because some carriers feel our Indiana State Law does not apply to prepaid wireless providers. This 911 fee reduction is a serious concern to local PSAP operations in Indiana.



STATE OF IOWA

CHESTER J. CULVER
GOVERNOR

PATTY JUDGE
LT. GOVERNOR

DEPARTMENT OF PUBLIC DEFENSE
IOWA HOMELAND SECURITY AND
EMERGENCY MANAGEMENT DIVISION
DAVID L. MILLER, ADMINISTRATOR

March 18, 2010

Marlene H Dortch, Secretary
Federal Communications Commission
Office of the Secretary
Washington, D.C. 20554

Dear Ms. Dortch:

Please accept this letter as the State of Iowa response to your letter requesting information in regard to the collection and expenditure of fees or charges established by the states in connection with 911/E911 services.

1. A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).

The State of Iowa E911 Program has an established funding mechanism for the purpose of E911 support or implementation under Code of Iowa, Chapter 34A.7 for wire line and under 34A.7A for wireless. Administrative Rules 605-Chapter 10 is the corresponding implementing rule for the E911 program.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2009. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

Code of Iowa, Chapter 34A.7A(1)(a) – a monthly surcharge of up to sixty-five cents to be imposed on each wireless communications service number provided in the state. For the annual period ending December 31, 2009, the State of Iowa E911 Program collected \$16,466.263 in revenues from the wireless surcharge. Funds collected are made available to localities based on Code of Iowa, Chapter 34A.7A(2)(f)(2) – twenty-five percent of the total amount of surcharge generated per calendar quarter is

allocated based on call counts and the square miles of the service area for each county.

Wire line surcharge funds may be used for recurring and non-recurring costs under Code of Iowa, Chapter 34A.2 (e). Code of Iowa, Chapter 34A.7 addresses wire line surcharge, included in this mailing is the current map showing the wire line surcharge collected by each county. 34A.7 (5) describes the use of moneys in fund—priority and limitations on expenditures for wire line surcharge. Wire line surcharge is collected by the local exchange carriers and remitted to the county Joint E911 Service Board for implementation. For the annual period ending December 31, 2009, wire line revenues collected totaled \$14,992,268.

3. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 911 or E911.

Code of Iowa Chapter 34A.2A – the administrator of the homeland security and emergency management division of the department of public defense shall appoint an E911 program manager to administer this chapter.

The program manager must submit a calendar quarter report of the revenues and expenses of the E911 Program to the fiscal services division of the legislative services agency. The government oversight committee reviews the priorities of distribution of funds at least every two years. An Annual Report is submitted to the legislative government oversight committee advising the general assembly which includes an accounting of the revenues and expenses of the E911 program. The E911 program is audited on an annual basis by the State Auditor's office.

4. A statement whether all the funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.

The State of Iowa E911 program has used the wire line and wireless surcharge funds in accordance with Code of Iowa Chapter 34A for the purposes designated for surcharge collection and remittance for the implementation and support of the State of Iowa E911 services.

5. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

The State of Iowa E911 program has never used the wire line or wireless surcharge funds collected for any other purpose other than the ones designated by the funding mechanism designated in Code of Iowa, Chapter 34A.7 and 34A.7A.

6. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

No additional comments

Please feel free to contact our office if additional information is need or if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "D. L. Miller". The signature is fluid and cursive, with a large initial "D" and "L".

David L Miller
Administrator

March 22, 2010

Secretary of the FCC
Washington, D.C. 20554

RE: **PS Docket No. 09-14**

Kansas data information:

1. A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including the legal authority for such mechanism).

911

In an effort to support and implement the operation of an emergency telephone service, Kansas allows governing bodies to impose an emergency telephone tax for 911 service in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. K.S.A. § 12-5302.

E911

In an effort to support and implement wireless enhanced 911 systems throughout the state, Kansas established a wireless enhanced 911 grant fee, K.S.A. § 12-5324, and a wireless enhanced 911 local fee, K.S.A. § 12-5330.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2009. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

911

The amount of 911 tax shall not exceed \$.75 per month per exchange access line or its equivalent. K.S.A. § 12-5302.

The 911 taxes are imposed by local governing bodies. The service suppliers collect the tax from the telephone service user. K.S.A. § 12-5302

The funds collected from 911 tax are allowed to be spent solely to pay for any or all of the following: (1) The monthly recurring charges billed by the service supplier for the emergency telephone service; (2) initial installation, service establishment; nonrecurring start-up charges billed by the service supplier for the emergency telephone service; (3) charges for capital improvements and equipment or other physical enhancements to the emergency telephone system; or (4) the acquisition and installation of road signs designed to aid in the delivery of emergency service. K.S.A. § 12-5304.

E911 funding: 50 cent fee on wireless subscriber account and one percent on retail price of prepaid wireless

Grant fee: The wireless enhanced 911 grant fee is \$.25 per month per wireless subscriber account with primary place of use in Kansas. The wireless enhanced 911 grant fee for prepaid wireless service is an amount equal to one percent of the retail price of any prepaid wireless service sold in Kansas. K.S.A. § 12-5324. The amount of grant funds collected from these fees for calendar year 2009 is \$6,705,538.67.

It is the statutory duty of each wireless carrier to collect the wireless enhanced 911 grant fee from the wireless service user and remit such fee to the Secretary of Administration. K.S.A. § 12-5324. The Governor's Grants Program, as designee for Secretary of Administration, administers the wireless enhanced 911 grant program whereby eligible municipalities can apply for funds to be used for allowable expenses, K.S.A. § 12-5323.

Municipalities eligible to apply for grant funds are any county having a population of less than 75,000 or any city located within such a county; or (2) any two or more such counties or cities, K.S.A. § 12-5322. The wireless enhanced 911 grant funds are allowed to be used:

(1) To pay costs of administering the grant fund, including actual and necessary expenses incurred by members of the state advisory board while performing duties required by the wireless enhanced 911 act and costs of any audit performed, but the aggregate amount of all such costs shall not exceed five percent of the moneys credited to the fund; and

(2) to provide grants to eligible municipalities only for necessary and reasonable costs incurred or to be incurred by PSAPs (Public Safety Answering Point) for: (A) Implementation of wireless enhanced 911 service and VoIP 911 service; (B) purchase of equipment and upgrades and modification to equipment used solely to process the data elements of wireless enhanced 911 service and VoIP 911 service; and (C) maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair,

furnish, or make improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized by the Wireless Enhanced 911 Act. K.S.A. § 12-5323.

Local fee: The wireless enhanced 911 local fee is \$.25 per month per wireless subscriber with primary place of use in Kansas. K.S.A. § 12-5330.

It is the statutory duty of each wireless carrier to collect the wireless enhanced 911 local fee from the wireless service user and remit such fee along with the return (zip plus four data) to the local collection point administrator. Not later than 30 days after receipt of moneys from wireless carriers the local collection point administrator is required to distribute such moneys collected from the wireless enhanced 911 local fee to PSAPs based upon primary place of use information provided by wireless carriers. K.S.A. § 12-5331.

The wireless enhanced 911 local fee can be used only for necessary and reasonable costs incurred or to be incurred by PSAPs for: (1) Implementation of wireless enhanced 911 service and VoIP enhanced 911 service; (2) purchase of equipment and upgrades and modification to equipment used solely to process the data elements of wireless enhanced 911 service and VoIP enhanced 911 service; and (3) maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish, or make improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized by the Wireless Enhanced 911 Act. K.S.A. § 12-5330.

3. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism or otherwise used to implement or support 911 or E911.

911

The Kansas Legislative Division of Post Audit conducted a performance audit, *Reviewing the 911 Emergency Phone Systems in Kansas, Part I: Identifying the Current Status of the Systems*, April 1999. An additional report was conducted in August 1999, *Reviewing the 911 Emergency Phone Systems in Kansas, Part II: Federal Mandates and Organizational Structure*.

The Division of Post Audit also conducted a limited scope review in 2006 and included a review as required by statute of landline emergency telephone service system in its 2008 review. K.S.A. § 12-5334.

E911

Grant fund: The Governor's Grants Program, as the Secretary of Administration's designee, administers the **enhanced wireless 911 grant program**. The Kansas Wireless Enhanced 911 Advisory Board reviews all wireless enhanced 911 grant applications and makes grant funding decisions.

Kansas statute required the Kansas Legislative Division of Post Audit to conduct an audit of the wireless enhanced 911 service system in 2006 and 2008. K.S.A. § 12-5334.

The Governor's Grants Program, as the designee for the Secretary of Administration, provides an annual report concerning the progress toward implementation of federal phase II enhanced 911 requirements to the governor and the legislature. K.S.A. § 12-5329.

Local fund: The Local Collection Point Administrator administers the **distribution of the local funds**. Each PSAP shall submit to the secretary an annual report accounting for the money received by the PSAP from the wireless enhanced 911 local fee. K.S.A. § 12-5330. The Local Collection Point Administrator is required to have an audit of receipts and disbursements conducted yearly by a licensed municipal accountant or certified public accountant and to submit that report to the secretary. K.S.A. § 12-5331(i).

4. A statement whether all the funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism or otherwise used for the implementation or support of 911 or E911.

911

The **911** funds are controlled locally and the use for the funds is defined by statute. It is presumed that local PSAPs are using the **911** funds in accordance with the statute.

E911

All the **wireless enhanced 911 grant fees** collected and deposited into the state wireless enhanced 911 grant fund are made available to spend in accordance with the statutorily allowed costs.

All the **wireless enhanced local fees** collected and deposited with the Local Collection Point Administrator are made available to spend in accordance with the statutorily allowed costs.

5. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

911

The 911 funds are controlled locally and the use for the funds is defined by statute. Any unintended uses of the funds would need to be identified locally.

E911

Funds made available for E911 purposes have not been used for any purposes other than those designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911.

6. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.

Substitute for Senate Bill 48 is being reviewed by the 2010 Kansas Legislature. The bill proposes changing the funding mechanism for PSAPs by merging the landline and wireless fees. In addition the bill would create a 911 Coordinating and other functions that the state would oversee in regard to 911 services, including the implementation of NG 911.

Sincerely,



**Juliene Maska
Coordinator for E911
Kansas Governor's Grants Program**



Steven L. Beshear
Governor

OFFICE OF THE GOVERNOR
KENTUCKY OFFICE OF HOMELAND SECURITY
Office of the 911 Coordinator/
CMRS Board

Joe Barrows
Executive Director

125 Holmes Street
Frankfort, Kentucky 40601
502-564-3911 Fax 502-696-5295
cmrsboard.ky.gov

March 23rd, 2010

(Ret.) Rear Admiral James Arden Barnett, Jr.
Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission
Washington, DC 20554

Re: (Response) Information Collection Mandated By the New and Emerging Technologies Improvement Act of 2008, PS Docket No. 09-14

Dear Chief Barnett,

In response to your correspondence dated 2/15/2010 to Governor Beshear in relation to the NET Act of 2008, the Governor's office has requested the Commercial Mobile Radio Service Emergency Telecommunications Board (CMRS Board) to reply, providing the requested information as outlined in your request.

Based on information available to the CMRS Board via our internal resources and additional information obtained from individual PSAPs and local jurisdictions, below are direct responses to the six (6) items requested to assist the Commission in fulfilling our obligations.

1) The Commonwealth of Kentucky has enacted two (2) pieces of legislation designated for the purpose of 911 support and implementation. Traditional 911, via landline telephones, is addressed in Kentucky Revised Statute (KRS) 65.760 adopted July 13th, 1984. This legislation grants any city, county or urban-county government the authority to establish E911. This statute grants the authority to levy a special tax, license or fee not in conflict with the Constitution and statutes of the Commonwealth.

CMRS 911 service, aka wireless 911, is addressed in KRS 65.7621-764 adopted July 15th, 1998. This legislation established the Commercial Mobile Radio Service Emergency Telecommunications Board (CMRS Board) of Kentucky and grants the Board the authority to collect and administer a CMRS service charge of seventy cents (\$.70) monthly per CMRS connection collection.

2) Landline fees imposed for the implementation and support of E911 are collected and administered by local city, county and urban-county governments. KRS 65.760 (3) states that all revenues from a tax or fee expressly levied to fund 911 emergency services shall be expended solely for the establishment, operation and maintenance of a 911 emergency communications system; this may include expenditures to train communications personnel and to inform the public of the availability and proper use of 911 service.

Landline fees collected in Kentucky are set, administered and collected by local government agencies and the current range of monthly fees range from fifty cents (\$.50) to four dollars and fifty cents (\$4.50), with a jurisdictional average of one dollar and seventy cents (\$1.70). Currently, the Commonwealth of Kentucky is working to compile statistical information related to the total dollars collected and expended via locally imposed 911 fees as imposed by KRS 65.760, but this task is daunting and time consuming. Legislation is currently on the table that, if successfully passed, will require 911 PSAPs across Kentucky to report such information to the CMRS Board within an annual recurring window.

Conversely, the CMRS Board collects a statewide 911 fee for wireless 911 implementation and closely monitors the collection and expenditures of these funds. The current fee is seventy cents (\$.70) on each CMRS connection as outlined in KRS 65.7635. KRS 65.7631 describes the specific methods for disbursement of funds received by the Board. Certified Public Safety Answering Points (PSAPs) and CMRS providers are eligible for funding while grant funds are also available for PSAPs that have not yet obtained certification status. The amount of wireless fees collected between January 1, 2009 and December 31st, 2009 was \$22,979,827.96.

202 Kentucky Administrative Regulation (KAR) Chapter 6 addresses wireless fund disbursements in more detail and 202 KAR 6:090 contains a list of permitted uses by PSAPs and 202 KAR 6:020 discusses cost recovery for CMRS providers.

3) The statutes that cover landline fee collection and CMRS collection specify how the funds are to be spent although the CMRS allowable expenses are much more specific.

Oversight of landline fees collected occurs locally. In addition, KRS 43.040-43.070 requires an annual audit of local expenditures by the Commonwealth's Auditor of Public Accounts to determine whether any unauthorized, illegal, irregular or unsafe handling of expenditure or revenue or other improper practice of financial administration has occurred and to assure that all proper items have been duly charged, taxed and reported.

In addition to the methods outlined above, KRS 65.7620 (9) requires the CMRS Board to submit annual reports to the Auditor of Public Accounts no later than sixty (60) days after the close of each fiscal year, which shall provide an accounting for all CMRS service charges deposited during the preceding fiscal year. If errors are discovered in the audit and any funds were not properly used, the CMRS provider or PSAP is required to refund or correct the error. Additionally, 202 KRS 6:050 (3) gives the CMRS Board the authority to review the certification of any PSAP if the Board becomes aware of changes or deficiencies and has the authority to decertify any PSAP not in compliance.

4) The CMRS Board has clear requirements for 911 expenditures and thus closely monitors the use of CMRS funds by all recipients. This monitoring includes financial audits of all certified PSAPs and CMRS carriers receiving CMRS 911 fees. If a PSAP or CMRS provider fails to follow the law, funds must be replaced, future funding will be suspended and criminal prosecution will be pursued.

5) This entity is not aware of any 911 funds collected in Kentucky and thus designated for 911 uses outside of the parameters outlined in current KAR and KRS.

6) None at this time.

If additional information or questions arise, please contact the CMRS Board directly at the contact points provided above.

Sincerely,

A handwritten signature in black ink that reads "Joe Barrows". The signature is stylized, with a large, looping initial "J" and "B".

Joe Barrows
Executive Director



STATE OF MAINE
PUBLIC UTILITIES COMMISSION
18 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0018

ADMINISTRATIVE DIRECTOR
Karen Geraghty

CHAIRMAN
Sharon M. Reishus

COMMISSIONERS
Vendean V. Vafiades
Jack Cashman

March 10, 2010

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12 Street, SW
Washington, DC 20554

Ref: PS Docket No. 10-240 OMB Control Number 3060-1122

Dear Ms. Dortch,

Please find below the responses for the State of Maine in compliance with the NET 9-1-1.

1. A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).

The State of Maine imposes a surcharge at the state level for E9-1-1 support and implementation.

The law governing the collection of E9-1-1 Surcharge is MRSA Title 25 Chapter 352 Section 2927. E-9-1-1 funding.

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2009. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

An E9-1-1 surcharge of .37 per line/per month is levied on each residential and business telephone exchange line, including private branch exchange lines and Centrex lines, cellular or wireless telecommunications service customers (including prepaid wireless telephone service customers), interconnected voice over Internet protocol service customers and semipublic coin and public access lines. The surcharge may not be imposed on more than 25 lines or numbers per customer billing account, except that this limitation does not apply to prepaid wireless telephone services. Prior to July 1, 2009, the surcharge amount was .30 per line/per month.

For the annual period ending December 31, 2009, \$6,108,985 of surcharge was collected. MRSA Title 25 Chapter 352 outlines approved uses of the fund.

The Emergency Services Communication Bureau, a Division of the Public Utilities Commission, is charged with implementing and managing the statewide E9-1-1 system. E9-1-1 surcharge funds the implementation and maintenance of all system elements including network, database, PSAP equipment, as well as call taker training and other activities outlined in MRSA Title 25 Chapter 352. The 26 PSAPs are municipal, county or state operated. Personnel and related costs of these 26 centers, as well as the dispatch centers, are not funded by the E-9-1-1- surcharge. The system serves all political subdivisions within Maine including Indian Reservations.

3. *A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 911 or E911.*

The Emergency Services Communication Bureau within the Public Utilities Commission has the authority to approve the expenditures of funds collected for E9-1-1 purposes (MRSA Title 25 Chapter 352 Section 2926). The Bureau reports to the Maine Legislature's Joint Committee on Utilities and Energy annually on planned expenditures for the coming year and expenditures for the previous year (MRSA Title 25 Chapter 352 Section 2927).

4. *A statement whether all the funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.*

For the year ending December 31, 2009, all E9-1-1 funds collected were made available or used for the purposes designated by the funding mechanism.

5. *A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.*

For the year ending December 31, 2009, there were no E9-1-1 funds made available or used for any other purposes designated by the funding mechanism during this time period.

6. *Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911.*

Nothing specific at this time.

Sincerely,



Karen Geraghty
Administrative Director



Department of Public Safety and Correctional Services

Emergency Number Systems Board

115 Sudbrook Lane – Suite 201, Pikesville, Maryland 21208-4199
(410) 585-3015 • FAX (410) 764-4136 • www.dpscs.state.md.us/ensb/

STATE OF MARYLAND

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March 22, 2010

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

FILED ELECTRONICALLY - MARCH 22, 2010

Re: Letter from Admiral James Arden Barnett (Ret.), Chief - Public Safety and Homeland Security Bureau: Information Collection by The New and Emerging Technologies Improvement Act Of 2009 (PS Docket No. 09-14) (OMB Control Number 3060-1122)

Dear Ms. Dortch:

Maryland is pleased to provide the following information in response to the Federal Communication Commission's letter (received March 4, 2010) to Governor Martin O'Malley regarding the New and Emerging Technologies Improvement Act Of 2008. For ease of review, the responses track the order and numbering established in the original correspondence.

- 1) A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).

Response: The Public Safety Article, Annotated Code of Maryland (Public Safety Article), Title 1 - Section 3 is the enabling legislation that established a 911 Trust Fund and the Emergency Number Systems Board (Board) with the Department of Public Safety and Correctional Services as the oversight agency. The referenced statute creates a funding mechanism and oversight Board to provide for the orderly installation, maintenance, and operation of 911 systems in Maryland. The legislation also permits Maryland counties and Baltimore City to offset local 911 operational costs. The Code of Maryland Regulations (COMAR) Title 12, Subtitle 11, Chapter 03 further codifies the activities of the Board and describes in detail its essential functions, responsibilities, and training standards.

- 2) The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2009. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

Response: The Maryland Public Safety Article (§1-310 & §1-311) establishes two funding streams to support 911. The first is the State “911 Fee”, which is \$0.25 per subscriber per month. The second is the County “Additional Fee” in an amount determined by each county, through local ordinance, up to maximum of \$0.75 per bill per month. All Maryland counties and Baltimore City currently have local ordinances establishing the “Additional Fee” at \$0.75. Telephone companies, wireless carriers, and other 911 accessible service providers, collect and remit both portions of the 911 Surcharge to the State Comptroller, monthly, for deposit into the 911 Trust Fund. The total amount of 911 fees remitted to Maryland in calendar year 2009 is \$55,556,616.37.

Quarterly, the County “Additional Fee” portion is distributed to each county prorated in accordance with the level of fees collected in each jurisdiction (*Public Safety Article §1-309*). Annually, the Secretary of the Department of Public Safety and Correctional Services requests a budget appropriation from the 911 Trust Fund in an amount sufficient to carry out the purposes of the enabling legislation, pay administrative costs, and reimburse counties for the cost of enhancing their 911 system (*Public Safety Article §1-309*). Through this budget appropriation process, the State “911 Fee” is distributed from the 911 Trust Fund to the Maryland counties at the discretion of the Emergency Number Systems Board in response to county 911 enhancement requests.

Maryland has established written criteria identifying the allowable uses of funds collected. Money collected from the State “911 Fee” may be used to reimburse counties for the cost of enhancing Maryland’s 911 system through payment to a third party contractor (*Public Safety Article §1-308*). COMAR (12.11.03.12) further defines equipment qualifying for funding or reimbursement. Money distributed quarterly to the counties from the collection of the County “Additional Fee” may be spent on the installation, enhancement, maintenance, and operation of a county or multi-county 911 system. Maintenance and operation costs may include telephone company charges, equipment costs, equipment lease charges, repairs, utilities, personnel costs, and appropriate carryover costs from previous years (*Public Safety Article §1-312*).

- 3) A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 911 or E911.

Response: Maryland established the seventeen (17) member Emergency Number Systems Board (*Public Safety Article §1-305 & §1-306*) to work cooperatively with the counties to provide an effective and efficient Maryland 911 system through the administration of the 911 Trust Fund revenues. The Emergency Number Systems Board is the entity that has the authority to approve expenditures from the 911 Trust Fund.

The Emergency Number Systems Board provides for an annual audit of each county's expenditures for the maintenance and operation of the county's 911 system (*Public Safety Article §1-312*). The amount of the county "additional charges" may not exceed a level necessary to cover the total eligible maintenance and operation costs of the county (*Public Safety Article §1-311*). The 2009 audits have demonstrated that all counties are in compliance with this requirement.

The Maryland Legislative Auditor conducts fiscal/compliance audits of the 911 Trust Fund and of the appropriations and disbursements made for purposes of complying with Maryland statutes (*Public Safety Article §1-309*). All such audits have found the expenditures from the 911 Trust Fund to be compliant with established statutes.

- 4) A statement whether all the funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.

Response: Maryland has expended or directed all funds collected in 2009 from both portions of the Maryland 911 Surcharge to be available for the purposes designated by the Public Safety Article to support or enhance Maryland's 911 system.

- 5) A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Response: No funds collected in 2009 for 911 or E911 purposes have been made available or used for any other purpose other than the one designated by the Public Safety Article or used for purposes unrelated to 911 or E911 implementation or support.

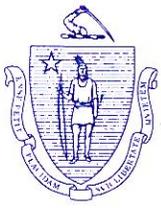
Should you have any questions, please do not hesitate to contact me at 410-585-3019.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon Deans". The signature is fluid and cursive, with the first name "Gordon" being more prominent than the last name "Deans".

Gordon Deans, Executive Director
Emergency Number Systems Board

cc: The Honorable Martin O'Malley – Governor of the State of Maryland
John P. McDonough – Maryland Secretary of State
Gary Maynard – Secretary, Maryland Department of Public Safety and Correctional Services
Thomasina Hiers – Assistant Secretary/Chief of Staff, DPSCS
Douglas R. M. Nazarian – Chairman, Maryland Public Service Commission
Anthony Myers – Chairman, Maryland Emergency Number Systems Board



The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT
1380 Bay Street, Building C ~ Taunton, MA 02780-1088
Tel: 508-828-2911 ~ TTY: 508-828-4572 ~ Fax: 508-828-2585
www.mass.gov/e911



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Governor

TIMOTHY P. MURRAY
Lieutenant Governor

MARY ELIZABETH HEFFERNAN
Secretary of Public Safety
and Security

FRANK POZNIAK
Executive Director

March 19, 2010

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Re: PS Docket No. 09-14 OMB Control Number 3060-1122 Information Collection
Mandated by the New and Emerging Technologies Improvement Act of 2008

Dear Ms. Dortch:

I am the General Counsel of the Massachusetts State 911 Department (Department), and on behalf of the Department I am submitting this information as requested in Public Notice OMB Control Number 3060-1122.

- **The Commonwealth of Massachusetts has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation.** Massachusetts General Laws (M.G.L.) Chapter 6A Section 18H(a), as amended by Section 8 of Chapter 223 of the Acts of 2008, imposes a surcharge on each subscriber or end user whose communication services are capable of accessing and utilizing an enhanced 911 system. M.G.L. Chapter 6A Section 18H(d), as amended by Section 8 of Chapter 223 of the Acts of 2008, states that "The surcharge revenues shall be expended for the administration and programs of the department including, but not limited to, salaries, enhanced 911 training programs, enhanced 911 public education programs, the creation of PSAP customer premise equipment for, and maintenance of, primary and regional PSAPs, the programs mandated by section 18B and sections 14A and 15E of chapter 166, and for the implementation and administration of enhanced 911 service in the commonwealth."
- **The current amount of the surcharge imposed is 75 cents per month per line on each subscriber or end user whose communication services are capable of accessing and utilizing an enhanced 911 system. The total amount remitted to the Department**

pursuant to the assessed surcharges, for the annual period ending December 31, 2009 was \$69,694,702. This 75 cent surcharge has been imposed on users of wireline, wireless, prepaid wireless, VoIP and IP-enabled services. The breakdown of surcharge funds remitted include wireline: \$27,420,665; wireless: \$41,421,927; pre-paid wireless: \$230,702; and VOIP: \$621,408.

- **Funds collected are made available to communities in Massachusetts for telco network, database and CPE; PSAP personnel; PSAP facilities; PSAP CAD and technology; dispatcher training; and PSAP supplies. These funds are made available to the communities by the Department directly purchasing, installing and maintaining enhanced 911 customer premise equipment used by communities at local and regional PSAPs and through the Department developing and administering grant programs to assist PSAPs and regional emergency communications centers in providing enhanced 911 service and fostering the development of regional PSAPs, regional secondary PSAPs and regional emergency communications centers.** M.G.L. Chapter 6A Section 18B (f), as amended by Section 8 of Chapter 223 of the Acts of 2008, states that “The department shall disburse funds from the Enhanced 911 Fund for prudently-incurred expenses associated with: the lease, purchase, upgrade or modification of primary and regional PSAP customer premise equipment and the maintenance of such equipment; network development, operation and maintenance; database development, operation, and maintenance; training of 911 telecommunicators regarding the receipt and use of enhanced 911 service information; education of consumers regarding the operation, limitation, role and responsible use of enhanced 911 service; grants associated with enhanced 911 service as set forth in subsection (i) and any other grant approved by the department associated with providing enhanced 911 service in the commonwealth; the recurring and nonrecurring costs of communication services providers in providing enhanced 911 service in the commonwealth to the extent required by federal or Massachusetts law or regulation or federal or Massachusetts agency decision or order; and other expenses incurred by the state 911 department in administering and operating the enhanced 911 system in the commonwealth.” The Department has established written guidelines for all grants administered under the authority of M.G.L. Chapter 6A Section 18B (i), as amended by Section 8 of Chapter 223 of the Acts of 2008, which allow communities to apply directly to the Department to receive grant funding for 911 related activities specified in that section. These guidelines may be found on the Department’s website at www.mass.gov/e911.
- **The Massachusetts State 911 Department and the Massachusetts State 911 Commission (Commission) and the Department of Telecommunications and Cable are the entities that have the authority to approve the expenditure of funds collected for 911 or E911 purposes within Massachusetts.** As referenced above, M.G.L. Chapter 6A Section 18B (f), as amended by Section 8 of Chapter 223 of the Acts of 2008, explicitly authorizes the Department to disburse funds from the Enhanced 911 Fund for specific E911 purposes (described above). M.G.L. chapter 6A Section 18B (b) as amended by Section 8 of Chapter 223 reserves specific approval authority of grant distribution formulas and major contracts for the Commission which is made up of eight

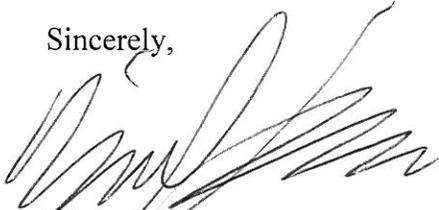
state public safety and disability agency heads and 11 members appointed by the Governor representing various 911 related constituencies. Section 18B(b) states in relevant part: “The commission shall review and approve by a majority vote of those members present all formulas, percentages, guidelines or other mechanisms used to distribute the grants described in section 18B, and all major contracts that the department proposes to enter into for enhanced 911 services.” Additionally, Section 18 B grants the Department of Telecommunications and Cable certain approval authority over expenditures of 911 related funds by the Department.

- **All funds collected for E911 purposes have been made available or used for the implementation or support of 911 or E911.** The enabling language for the Enhanced 911 Fund explicitly requires E911 surcharge funds and any additional E911 related funds collected in Massachusetts to be used only for E911 support and implementation purposes. M.G.L. Chapter 10 Section 35 JJ(a), as added by Section 13 of Chapter 223 of the Acts of 2008, states: “There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Enhanced 911 Fund. There shall be credited to such fund all revenues received by the commonwealth from: surcharges imposed under section 18H of chapter 6A; appropriations; gifts, grants, contributions and bequests of funds from any department, agency or subdivision of federal, state or municipal government, and any individual foundation, corporation, association or public authority; revenue derived from the investment of amounts credited to the fund; and any federal funds made available for emergency telecommunication services. The fund shall be used solely for the purposes described in sections 18A to 18J, inclusive, of said chapter 6A.”
- **No funds collected for 911 or E911 purposes have been made available or used for any purposes other than ones designated by the statutory funding mechanism or used for any purposes otherwise unrelated to 911 or E911 implementation or support in the Commonwealth of Massachusetts.**
- **Other Comments:** The Department appreciates this opportunity to comment and wishes to inform the Public Safety and Homeland Security Bureau that we most strongly support the NET 911 Act’s requirements that fees or charges collected for support or implementation of 911 or enhanced 911 services be obligated or expended only in support of 911 and enhanced 911 services or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. The Department strongly urges the Federal Communications Commission and Congress to continue to maintain such requirement. Guaranteeing that 911 related funds collected by states or other applicable political subdivisions be solely and exclusively dedicated to 911 support and enhancement is crucial to ensure adequate 911 services are available to all citizens and such a requirement is becoming even more critical with today’s climate of a declining economy that is impacting the ability of state and local governments to provide services along with the simultaneous rapid changes and evolution of technology used by wireless telecommunications and IP based devices that consumers are more frequently using to attempt to contact 911 in their time of need.

If you have any questions regarding this filing, please contact me at 508-821-7202 or Michael.kass@state.ma.us.

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Kass', written over a light blue horizontal line.

Michael Kass
General Counsel

cc: John Grossman, Undersecretary for Forensic Sciences and Technology,
Massachusetts Executive Office of Public Safety and Security
Frank Pozniak, Executive Director, Massachusetts State 911 Department
Michael Isenberg, Director, Competition Division, Massachusetts Department of
Telecommunications and Cable



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
PUBLIC SERVICE COMMISSION

STANLEY "SKIP" PRUSS
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Orjiakor N. Isiogu
CHAIRMAN

Greg R. White
COMMISSIONER

March 23, 2010

Mr. James Arden Barnett, Jr., Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: New and Emerging Technologies Improvement Act of 2008

Dear Mr. Barnett:

Please accept the joint filing of the Michigan Public Service Commission (MPSC) and the Michigan State Police (MSP) as response to the Federal Communications Commission's request, dated February 5, 2010, in regard to the NET911 Act.

The Michigan Emergency 9-1-1 Services Enabling Act provides for funding of 9-1-1 services in Michigan. Two funding mechanisms, a State of Michigan 9-1-1 charge and individual county 9-1-1 surcharges, are currently being collected by all communications providers serving Michigan customers on all devices. In addition, carriers collect technical surcharges to cover their costs for providing access to 9-1-1 dispatch centers.

If you need further information regarding the State of Michigan's 9-1-1 funding system, please do not hesitate to contact either of us at (517) 241-6200 for the Michigan Public Service Commission, Telecommunications Division, or (517) 336-2666 for the Michigan State Police, State 9-1-1 Office.

Sincerely yours,

Robin P. Ancona, Director
Telecommunications Division

Harriet Miller-Brown
State 9-1-1 Administrator

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1. A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(2) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).

ANSWER: The Michigan Emergency 9-1-1 Services Enabling Act (Act 32 of 1986, as amended) provides funding in the following ways:

- Michigan's state 9-1-1 charge is currently \$0.19 per communications device per month. The level of funding is determined by the Michigan Public Service Commission, in consultation with the Michigan State 9-1-1 Committee. Sec. 401(a)
- Each of the 83 Michigan counties has the opportunity to assess a county-wide surcharge on all communications devices billed to an address in their county. Sixty-seven (67) counties requested surcharge approval by the Michigan Public Service Commission in January 2008. With passage of PA 379 in December 2008, counties also have the opportunity to request additional funds from their citizens to support county 9-1-1 services. Sec. 401(b)
- Prepaid wireless communications devices are mandated to remit a combination of the state 9-1-1 surcharge and a weighted average of the cumulative county surcharges, collected from their customers, to the Michigan Department of Treasury. Two remittance equations are defined in the statute. Sec. 401(c)
- Communications providers are able to recover their costs through a 9-1-1 technical charge on customer bills. Sec. 401(d)

2. The amount of fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2009.

- The total amount collected through a county-based 9-1-1 surcharge by sixty-seven (67) Michigan counties is \$65,881,869.64.
- The total amount collected by the Michigan Department of Treasury, for 9-1-1 purposes during 2009, is \$27,118,262.60.

A statement describing how funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

ANSWER:

- Each Michigan county receives an 82.5% share of the total Michigan state 9-1-1 charge and the prepaid device 9-1-1 charge, remitted based on Section 401(a) and 401(b). Sec. 408(4)(a).
- Communications providers remit county 9-1-1 surcharge monies directly to Michigan counties. (Link: <http://www.dleg.state.mi.us/mpsc/comm/911index/911charges.pdf>) Sec. 401(b)(6)
- The Michigan 9-1-1 Committee developed a list of Allowable Wireless and Wireline 9-1-1 Surcharge Expenditures. In accordance with PA 379 of 2008, any changes made to the document language must be transmitted to the Michigan Legislature. Sec. 401(b)(14) (link: http://www.michigan.gov/documents/ListingofAllowable_14259_7.pdf)

3. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 911 or E911.

ANSWER:

- Currently, the Michigan 9-1-1 Committee's list of Allowable Wireless and Wireline 9-1-1 Surcharge Expenditures is being used by counties to determine allowable expenses. (link: http://www.michigan.gov/documents/ListingofAllowable_14259_7.pdf) In accordance with PA 379 of 2008, any changes made to the document language must be transmitted to the Michigan Legislature. Sec. 401(b)(14)
- The Michigan Public Service Commission, in consultation with the Michigan 9-1-1 Committee, may promulgate rules for uniform procedures, policies, and standards for the receipt and expenditure of 9-1-1 funds. Sec. 413(1)(c)
- The Michigan Department of Treasury is under the audit powers of the Michigan Auditor General.
- Each Michigan County is required to have an annual audit by an independent auditor, and must have the audit available for public inspection. Sec. 406(3)
- Each wireline carrier may collect a technical fee for costs related to providing 9-1-1 per Sec. 401d and is subject to an annual accounting under Sec. 412a.

4. A statement whether all funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.

ANSWER:

- Michigan's Emergency 9-1-1 Services Enabling Act allows also for:

- \$500,000 to the Michigan State Police to study the feasibility of an IP-based 9-1-1 system for the State of Michigan. The study was completed in December 2009. Sec. 408(5)
- 7.75% of the Michigan 9-1-1 charges collected is available for to reimburse local exchange carriers for costs related to wireless emergency services. Sec. 408(4)(b)
- 1.88% of the Michigan 9-1-1 charges collected for the Michigan State Police to operate a regional dispatch center. Sec. 408(4)(d)
- 1.87% of the Michigan 9-1-1 charges collected for the Michigan State Police to administer the 9-1-1 Act and maintain the office of the state 9-1-1 coordinator. Sec. 408(4)(d)
- 6% of the Michigan 9-1-1 charges go directly to the PSAPs for training funds for PSAP personnel. Sec. 408(4)(c).

5. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

ANSWER:

- During 2009, the Michigan Public Service Commission and the Michigan State Police did not authorize any instances where funds collected for 911 or E911 purposes were allowed to be used for purposes unrelated to 911 or E911.

6. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 or E911.

ANSWER:

- We have no further comments.

MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Emergency Communication Networks

445 Minnesota Street • Suite 137 • Saint Paul, Minnesota 55101-5137

Phone: 651.201.7550 • Fax: 651.296.2665 • TTY: 651.282.6555

www.ecn.state.mn.us

Alcohol and Gambling Enforcement

Bureau of Criminal Apprehension

Driver and Vehicle Services

Emergency Communication Networks

Homeland Security and Emergency Management

Minnesota State Patrol

Office of Communications

Office of Justice Programs

Office of Traffic Safety

State Fire Marshal

FAX Cover Sheet

Date: 03/23/2010

From: Jackic Mines, 911 Program Manager State of Minnesota

Phone: 651-201-7550

To: Office of Secretary, FCC

Fax: 202-418-2824

Subject: OMB Control Number 3060-1122

Pages sent (including this page): 5

Comments:

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445 Minnesota Street • Suite 137 • Saint Paul, Minnesota 55101-5137
Phone: 651.201.7550 • Fax: 651.296.2665 • TTY: 651.282.6555
www.ecn.state.mn.us

March 23, 2010

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

RE: Initial Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008

Dear Ms. Dortch:

Please accept this report as the state of Minnesota's response to the Initial Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008. Responses to the requested information are set forth below.

1. A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).

Response: Minnesota has established a funding mechanism to support the implementation and operations of 911 and E911 services throughout the state under Minn. Stat. §403.11, Subdivision 1. A monthly 911 fee was imposed on all wired line telecommunication carriers for each telephone line, or the trunked equivalent, capable of accessing the 911 network in 1994. In 1997, the fee was extended to wireless telecommunication carriers and in 2004, the statute was amended to clarify its application to packet-based telecommunication service providers.

The Minnesota Statewide 911 Program is operated by the Department of Public Safety. The program collects the monthly 911 fee from telephone companies, provides technical assistance to the cities, counties and tribal entities in the implementation, operation, and maintenance of local 911 systems, establishes 911 system standards, pays the recurring network costs and disburses funds collected under Minn. Stat. §403.11, Subd. 1 in accordance with Minn. Stat. Chapter 403.

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2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges for the annual period ending December 31, 2009. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

Response: Minn. Stat. § 403.11, Subdivision 1(c) provides for a 911 fee of not less than eight cents nor more than 75 cents through June 30, 2010 for each customer access line or other basic access service. The Commissioner of Public Safety is authorized to establish the 911 fee within the statutory limits with the approval of the Commissioner of Finance. The current 911 fee of 75 cents per access line (wired and wireless) was first established in June of 2004. The total amount collected in calendar year 2009 is \$51,269,514. Minn. Stat. §403.11, Subd. 1(b) requires collected fees to be deposited and maintained in the 911 emergency telecommunication service account, which is a special revenue account from which all authorized expenditures are made and year end balances are carried forward from year to year.

911 emergency telecommunication service account funds are made available to localities as follows:

- Minn. Stat. §403.025, Subd. 7 requires the Statewide 911 Program to contract for and provide the 911 telecommunication network elements (telephone line, 911 routing and 911 selective routing services) for counties and other governmental agencies operating Public Safety Answering Points (PSAP) within Minnesota and Minn. Stat. §403.11, Subd. 3 provides for the payment of those costs.
- Minn. Stat. §403.025, Subd. 7 also requires the Statewide 911 Program to contract for 911 routing and network elements with wireless carriers and for the payment of those costs under Minn. Stat. §403.11, Subd.3.
- Minn. Stat. §403.113, Subd. 2 requires a portion of the available funds to be distributed directly to state, local and tribal PSAP's. Minn. Stat. §403.113, Subd. 3 defines the purposes funds distributed to state, local and tribal PSAP's may be used.
- Minn. Stat. §403.11, 403.113 and 403.30 provide for the use of funds by the Statewide 911 Program from the 911 emergency telecommunication service account to provide resources for localities, as follows:
 - Costs of ongoing maintenance and related improvements for trunking and central office switching equipment for 911 emergency telecommunication services;
 - Costs to operate the Division of Emergency Communication Networks;
 - Grants to provide assistance to counties for the improvement of local emergency telecommunication services;
 - To implement, operate, maintain, enhance and expand enhanced 911 services; and
 - To pay debt services upon revenue bonds authorized under Minn. Stat. §403.32 and 403.275 to provide the backbone for the statewide public safety radio communication system.

3. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 911 or E911.

Response: All 911 fee revenues are deposited and maintained in the 911 emergency telecommunications service account. This account is a special revenue account where funds are carried over from year to year as provided in Minn. Stat. §403.11, Subd. 1(b). The Statewide 911 Program is administered by the Commissioner of Public Safety, who has authority to expend funds from the 911 emergency telecommunications service account as provided in Minn. Stat. Chapter 403. Minn. Stat. § 403.06, Subd. 1a requires the Commissioner of Public Safety to prepare a biennial budget for maintaining the 911 system, report details of expenditures for maintaining the 911 system, 911 fees collected and balance of any funds remaining in the 911 emergency telecommunications service account. Expenditures from the 911 emergency telecommunication service account are subject to periodic audit by the Minnesota Legislative Auditor's Office.

With respect to funds allocated directly to local units of government, under Minn. Stat. §403.113, Subd. 2, funds must be expended in accordance with Minn. Stat. §403.113, Subd.3 and the local units of government are required to audit the use of those funds annually and to submit a copy of the audit to the Statewide 911 Program.

4. A statement whether all the funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.

Response: All funds collected for 911 or E911 purposes have been made available and used for purposes designated by Minn. Stat. Chapter 403. The total expenses for Minnesota's 2009 fiscal year (July 1, 2008 through June 30, 2009) were \$50,921,343.

5. A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

Response: None of the 911 funds collected for 911 or E911 purposes have been used for any purposes other than the purposes designated by Minn. Stat. Chapter 403.

6. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 and E911 purposes.

Response: The state of Minnesota is preparing to modernize Minnesota's 911 infrastructure by replacing the ageing analog 911 infrastructure with a digital platform that will improve interoperability and allow for county dispatch centers to transfer 911 calls, maps, photos, caller

location information and other pertinent data statewide. The NG911 project is scheduled to begin in FY 2010-2011 and take approximately three to four years to complete.

We hope you find this report informative. Access to the Minnesota Statutes governing 911 can be found at www.911.state.mn.us/911_links.asp. Should you have any questions or require additional information, please feel free to contact the 911 Program Manager, Jackie Mines at (651) 201-7550 or Jackie.Mines@state.mn.us.

Sincerely,



Scott Wiggins, Director
Emergency Communication Networks
Department of Public Safety

JEREMIAH W. (JAY) NIXON
Governor

JOHN M. BRITT
Director



Truman Building, Room 870
Mailing Address: P.O. Box 749
Jefferson City, MO 65102-0749
Telephone: 573-751-4905
FAX: 573-751-5399
Internet Address:
<http://www.dps.mo.gov>

STATE OF MISSOURI
DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE DIRECTOR

March 12, 2010

James Arden Barnett, Jr.
Rear Admiral (Ret.)
Chief, Public Safety and
Homeland Security Bureau
Federal Communications Commission

Dear Chief Barnett:

In response to your correspondence to Governor Nixon concerning the collection of information required by the New and Emerging Technologies 911 Improvement Act of 2008, the state of Missouri offers the following responses:

1. A statement as to whether or not your state, or any political subdivision, Indian tribe, village or regional corporation therein defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).

Response: The state of Missouri has established a state funding mechanism for 911 or E911. However, the measure authorized by statute has not been implemented because it has failed to obtain sufficient votes at election. The state of Missouri has been authorized to establish a wireless funding mechanism under § 190.420-440 RSMo. Copies of the pertinent statutes are enclosed, for your information.

Missouri statutes permit local jurisdictions to establish funding through one of two methods. Of the 114 counties in the state, 97 have passed a local funding mechanism. Fifty-two of the ninety-seven counties have established funding authorized by § 190.305, RSMo, which states in part:

The governing body is hereby authorized to levy the tax in an amount not to exceed fifteen percent of the tariff local service rate, as defined in section 190.300, or seventy-five cents per access line per month, whichever is greater, except as provided in sections 190.325 to 190.329, in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted.

The remaining forty-two counties have established a funding mechanism authorized by § 190.335, RSMo, which states in part:

In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax The sales tax

may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax.....

2. The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2009. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding allowable uses of the collected funds, including the legal citation to such criteria.

Response: The state of Missouri does not collect funds for the implementation and support of 911 or E911 services. All funds are imposed and collected by the local political subdivision. The state has established criteria regarding the allowable uses of the funds by local authorities. Section 190.305, RSMo, states in part:

The tax shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body.

The funds allowed by Section 190.335, RSMo, are:

...for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.....

3. A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine the collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.

Response: There is no State entity that has the direct authority to approve expenditures or provide oversight. The local political subdivision has three different methodologies available that provide approval of expenditures and establish oversight procedures. The statutes provide for governance.

Section 190.309, RSMo, is established for those jurisdictions that are funded by Section 190.305, RSMo, and states in part:

1. *Any county may establish an "Emergency Telephone Service 911 Board", referred to in this section as the "board". The powers and duties of the board may be defined by order or ordinance of the county.*
2. *Members of the board shall be appointed by the governing body of the county, and shall be known as the board of directors of the emergency service telephone 911 board. The*

governing body shall appoint eleven persons to the board. Such powers shall include, but not be limited to:

Receiving moneys from any emergency telephone service tax levy authorized by the governing body of the county pursuant to section 190.305, and authorizing disbursements from such moneys collected:

Sections 190.329 and 190.337, RSMo, are established for those jurisdictions that are funded by §190.335, RSMo:

1. *....the initial board shall consist of seven members appointed without regard for political party who shall be selected from and shall represent the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from any one commission district of the county.*
2. *Beginning in 1992, three members shall be elected from each commission district and one member shall be elected at large, with such at-large member to be a voting member and chairman of the board. Of those first elected, four members from commission districts shall be elected for terms of two years and two members from commission districts and the member at large shall be elected for terms of four years. In 1994, and thereafter, all terms of office shall be for four years, except as provided in subsection 3 of this section. Any vacancy on the board shall be filled in the same manner as the initial appointment was made. Four members shall constitute a quorum.*
3. *Upon approval by the county commission for the election of board members to be held on general municipal election day, pursuant to subsection 2 of section 190.327, the terms of those board members then holding office shall be reduced by seven months. After a board member's term has been reduced, all following terms for that position shall be for four years.*

190.337. 1. The sales tax established by a county according to the provisions of section 190.335 shall be permanent and revenues from it shall be disbursed only for the purposes for which it was collected.

4. A statement whether all the funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.

Response: The State Auditor conducts bi-annual general audits which include 911 and E911 of the local subdivisions. To our knowledge, there have been no findings that funds were used for any purposes other than for implementation or support of 911 or E911.

- 5 A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

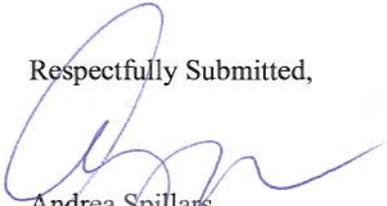
Response: The state of Missouri has not identified any instance where funds collected for 911 or E911 purposes were made available or used for any purpose other than the ones designated by the funding mechanism.

6. Any other comments you may wish to provide regarding the applicable funding mechanism for 911 or E911.

Response: None

Thank you for your interest in Missouri's efforts to fund and maintain 911 or E911.

Respectfully Submitted,



Andrea Spillars
Deputy Director
Missouri Department of Public Safety

Enclosures

(3) Advise the office of administration regarding implementation of Federal Communications Commission order 94-102; and

(4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.

4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.

(L. 1998 S.B. 743)

Effective 7-2-98

Fund established.

190.420. 1. There is hereby established in the state treasury a fund to be known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to sections 190.400 to 190.440 by wireless service providers shall be remitted to the director of the department of revenue. The director shall remit such payments to the state treasurer.

2. The state treasurer shall deposit such payments into the wireless service provider enhanced 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the wireless service provider enhanced 911 system.

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.

(L. 1998 S.B. 743)

Effective 7-2-98

Fee for wireless service--rules--office of administration, powers.

190.430. 1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.

2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to July 2, 1998, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly

pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 2, 1998, shall be invalid and void.

3. The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:

(1) For the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers in implementing Federal Communications Commission order 94-102; and

(2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:

(a) The volume of wireless 911 calls received by each public safety answering point;

(b) The population of the public safety answering point jurisdiction;

(c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and

(d) Any other criteria found to be valid by the office of administration provided that of the total amount of the funds used to subsidize and assist the public safety answering points, at least ten percent of said funds shall be distributed equally among all said public safety answering points providing said services under said section;

(3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to public safety answering points shall be distributed in equal amounts to each public safety answering point participating in enhanced 911 service;

(4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8. Notwithstanding any other provision of the law, in no event shall any wireless service provider, its

officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act* unless the release constitutes gross negligence, recklessness or intentional misconduct.

(L. 1998 S.B. 743)

Effective 7-2-98

*"This act" (S.B. 743, 1998) contained numerous sections. Consult Disposition of Sections table for a definitive listing.

Ballot measure for fee.

190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri Office of Administration be authorized to establish a fee of up to fifty cents per month to be charged every wireless telephone number for the purpose of funding wireless enhanced 911 service?

YES NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an* "X" in the box opposite "No".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, 1999, or the first day of the month occurring at least thirty days after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.

(L. 1998 S.B. 743)

Effective 7-2-98

*Word "and" appears in original rolls.

Missouri Revised Statutes

Chapter 190 Emergency Services Section 190.305

August 28, 2009

Emergency telephone service may be provided--tax levy authorized--governing body of Christian and Scott counties may contract for services--time limitation on tax--rate--collection.

190.305. 1. In addition to its other powers for the protection of the public health, a governing body may provide for the operation of an emergency telephone service and may pay for it by levying an emergency telephone tax for such service in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. The governing body may do such other acts as are expedient for the protection and preservation of the public health and are necessary for the operation of the emergency telephone system. The governing body is hereby authorized to levy the tax in an amount not to exceed fifteen percent of the tariff local service rate, as defined in section 190.300, or seventy-five cents per access line per month, whichever is greater, except as provided in sections 190.325 to 190.329, in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. In any county of the third classification with a population of at least thirty-two thousand but not greater than forty thousand that borders a county of the first classification, a governing body of a third or fourth class city may, with the consent of the county commission, contract for service with a public agency to provide services within the public agency's jurisdiction when such city is located wholly within the jurisdiction of the public agency. Consent shall be demonstrated by the county commission authorizing an election within the public agency's jurisdiction pursuant to section 190.320. Any contract between governing bodies and public agencies in existence on August 28, 1996, that meets such criteria prior to August 28, 1996, shall be recognized if the county commission authorized the election for emergency telephone service and a vote was held as provided in section 190.320. The governing body shall provide for a board pursuant to sections 190.327 and 190.328. The board of any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants shall provide services to a city located in more than one county only after making an agreement or contracting with the city for such services, provided that any agreement or contract in effect, as of January 1, 2006, shall continue until such time as a successor agreement or contract is entered into by the board and city and such agreement or contract is to provide services for a period of three or more years.

2. The tax shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body, and may be levied at any time subsequent to execution of a contract with the provider of such service at the discretion of the governing body, but collection of such tax shall not begin prior to twenty-seven months before operation of the emergency telephone service and dispatch center.

3. Such tax shall be levied only upon the tariff rate. No tax shall be imposed upon more than one hundred exchange access facilities or their equivalent per person per location.

4. Every billed service user is liable for the tax until it has been paid to the service supplier.
5. The duty to collect the tax from a service user shall commence at such time as specified by the governing body in accordance with the provisions of sections 190.300 to 190.320. The tax required to be collected by the service supplier shall be added to and may be stated separately in the billings to the service user.
6. Nothing in this section imposes any obligation upon a service supplier to take any legal action to enforce the collection of the tax imposed by this section. The service supplier shall provide the governing body with a list of amounts uncollected along with the names and addresses of the service users refusing to pay the tax imposed by this section, if any.
7. The tax imposed by this section shall be collected insofar as practicable at the same time as, and along with, the charges for the tariff rate in accordance with the regular billing practice of the service supplier. The tariff rates determined by or stated on the billing of the service supplier are presumed to be correct if such charges were made in accordance with the service supplier's business practices. The presumption may be rebutted by evidence which establishes that an incorrect tariff rate was charged.

(L. 1981 H.B. 437 § 2, A.L. 1986 H.B. 1268, A.L. 1990 H.B. 951, A.L. 1993 H.B. 910 merged with S.B. 157 & 29, A.L. 1994 S.B. 700, A.L. 1996 H.B. 1097, A.L. 1997 H.B. 249, A.L. 2007 S.B. 22)

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[Missouri General Assembly](#)

Missouri Revised Statutes

Chapter 190 Emergency Services Section 190.335

August 28, 2009

Central dispatch for emergency services, alternative funding by county sales tax, procedure, ballot form, rate of tax--collection, limitations--adoption of alternate tax, telephone tax to expire, when--board appointment and election, qualification, terms--continuation of board in Greene County--board appointment in Christian County.

190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a county sales tax of (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

â ã YES â ã NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo. The sales tax shall not be collected prior to thirty-six months before

operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years.

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of

emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

(L. 1993 S.B. 157 & 29 § 1, A.L. 1996 H.B. 1460, A.L. 2005 H.B. 58, A.L. 2008 S.B. 1039)

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Missouri Revised Statutes

Chapter 190 Emergency Services Section 190.309

August 28, 2009

Emergency telephone board, powers and duties--members of the board, appointment, terms--personnel--officers--rules--removal of members--vacancies--nepotism prohibited.

190.309. 1. Any county may establish an "Emergency Telephone Service 911 Board", referred to in this section as the "board". The powers and duties of the board may be defined by order or ordinance of the county. Such powers shall include, but not be limited to:

- (1) Planning a 911 system;
- (2) Coordinating and supervising the implementation, upgrading, or maintenance of the system, including the establishment of equipment specifications and coding systems;
- (3) Receiving moneys from any emergency telephone service tax levy authorized by the governing body of the county pursuant to section 190.305, and authorizing disbursements from such moneys collected;
- (4) Hiring any staff necessary for the implementation or upgrade of the system.

2. Members of the board shall be appointed by the governing body of the county, and shall be known as the board of directors of the emergency service telephone 911 board. The governing body shall appoint eleven persons to the board. At least six of such members shall represent public safety agencies. At least nine of the board members shall be residents of the county described in subsection 1 of this section or a county adjoining such county. All board members shall be appointed to serve for a term of three years, except that of the first board appointed, five members shall be appointed for one-year terms, three members for two-year terms and three members for three-year terms. Board members may be reappointed. The members of the board shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses.

3. The administrative control and management of the county emergency telephone 911 service shall rest solely with the board, and the board shall employ all necessary personnel, fix their compensation, and provide suitable quarters and equipment for the operation of the facility from funds made available for this purpose. Employees of the board shall be eligible for membership in the Missouri local government employees' retirement system pursuant to sections 70.600 to 70.755, RSMo.

4. The board may contract to provide services relating in whole or in part to emergency telephone 911 service and for such purpose may expend the tax funds or other funds.

5. The board shall elect a chairman, vice chairman, treasurer, and such other officers as it deems

necessary for its membership. Before taking office, the treasurer shall furnish a surety bond, in an amount to be determined and in a form to be approved by the board, for the faithful performance of the treasurer's duties and faithful accounting of all moneys that may come into the treasurer's hands. The treasurer shall enter into the surety bond with a surety company authorized to do business in Missouri, and the cost of such bond shall be paid by the board.

6. The board shall set rules for establishment and operation of the emergency 911 system, and shall do all other things necessary to carry out the purposes of sections 190.300 to 190.320.

7. The board may contract with any not-for-profit corporation including any corporation which is incorporated for the purpose of implementing the provisions of sections 190.300 to 190.320.

8. The board may accept any gift of property or money for the use and benefit of the emergency telephone 911 service in the county, and the board is authorized to sell or exchange any such property which the board believes would be to the benefit of the service so long as the proceeds are used exclusively for emergency telephone services. The board shall have exclusive control of all gifts, property or money the board may accept; of all interest or other proceeds which may accrue from the investment of such gifts or money or from the sale of such property; of all tax revenues collected by the county on behalf of the emergency telephone 911 services; and of all other funds granted, appropriated, or loaned to the board by the federal government, the state, or its political subdivisions so long as these resources are used solely to benefit the emergency telephone service in the county.

9. Any board member may, following notice and an opportunity to be heard, be removed from office by a majority vote of the other members of the board for any of the following grounds:

- (1) Failure to attend five consecutive meetings, without good cause;
- (2) Conduct prejudicial to the good order and efficient operation of the emergency telephone service; or
- (3) Neglect of duty.

10. The chairman of the board shall preside at such removal hearing, unless the chairman is the person sought to be removed, in which case the hearing shall be presided over by another member elected by the majority vote of the other board members. All interested parties may present testimony and arguments at such hearing, and the witnesses shall be sworn by oath or affirmation before testifying. Any interested party may, at his or her own expense, record the proceedings.

11. Vacancies on the board occasioned by removals, resignations or otherwise shall be reported by the board chairman to the governing body of the county and shall be filled in like manner as original appointments; except that, if the vacancy occurs during an unexpired term, the appointment shall be for only the unexpired portion of that term.

12. Individual board members shall not be eligible for employment by the board within twelve months of termination of service as a member of the board.

13. No person shall be employed by the board who is related within the fourth degree of^{f*} consanguinity or affinity to any member of the board.

(L. 1995 H.B. 452, et al., A.L. 1996 H.B. 766, A.L. 1997 H.B. 816)

*Word "of" does not appear in original rolls.

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Missouri Revised Statutes

Chapter 190 Emergency Services Section 190.329

August 28, 2009

Election of board, exceptions, when--terms.

190.329. 1. Except in areas from which voters and the commission have approved the provision of central dispatching for emergency services by a public agency for an area containing third or fourth class cities located in counties of the third classification with a population of at least thirty-two thousand but no greater than forty thousand that border a county of the first classification but do not border the Mississippi River, the initial board shall consist of seven members appointed without regard for political party who shall be selected from and shall represent the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from any one commission district of the county.

2. Beginning in 1992, three members shall be elected from each commission district and one member shall be elected at large, with such at-large member to be a voting member and chairman of the board. Of those first elected, four members from commission districts shall be elected for terms of two years and two members from commission districts and the member at large shall be elected for terms of four years. In 1994, and thereafter, all terms of office shall be for four years, except as provided in subsection 3 of this section. Any vacancy on the board shall be filled in the same manner as the initial appointment was made. Four members shall constitute a quorum.

3. Upon approval by the county commission for the election of board members to be held on general municipal election day, pursuant to subsection 2 of section 190.327, the terms of those board members then holding office shall be reduced by seven months. After a board member's term has been reduced, all following terms for that position shall be for four years.

(L. 1990 H.B. 951 § 1 subsecs. 3, 4, A.L. 1995 H.B. 452, et al., A.L. 1996 S.B. 532, A.L. 1997 H.B. 249)

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Missouri Revised Statutes

Chapter 190 Emergency Services Section 190.337

August 28, 2009

Revenue, purpose for which shall be used--procedure to terminate tax, ballot form--reestablishing emergency service using telephone tax, procedure.

190.337. 1. The sales tax established by a county according to the provisions of section 190.335 shall be permanent and revenues from it shall be disbursed only for the purposes for which it was collected. Upon receipt of a petition signed by a number of voters in the county equal to ten percent of the number of voters in the county who voted in the most recent gubernatorial election requesting the submission of the question of continuation or termination, the county commission in any county which has adopted the sales tax as a means of paying for emergency services in lieu of financing such services through taxes as provided in section 190.305, shall submit to the voters of the county the question to continue or to terminate the sales tax.

2. The question shall be submitted in the following form:

Shall the county of (insert name of county) continue to impose a county sales tax of (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance, or emergency telephone, services?

â ã YES â ã NO

3. If a majority of those voting on the question vote "YES" for continuation, the sales tax shall be continued unless and until terminated by a vote of the qualified voters voting thereon; if a majority of those voting on the question vote "NO" for the termination of the sales tax, the county commission shall declare the sales tax terminated effective the first day of the second calendar quarter following notification to the director of revenue that the tax has been repealed and shall discharge any board appointed pursuant to section 190.335. Any order adopted by the board shall be void and of no effect from and after the termination of the sales tax.

4. If the majority of the voters vote "NO" pursuant to subsection 3 of this section, the emergency services shall be deemed to have been terminated. Such emergency services may be reestablished in the county pursuant to the provisions of section 190.305.

(L. 1993 S.B. 157 & 29 § 2)

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OFFICE OF THE GOVERNOR
STATE OF MONTANA

BRIAN SCHWEITZER
GOVERNOR



JOHN BOHLINGER
LT. GOVERNOR

March 22, 2010

Secretary
Federal Communications Commission
445 12th Street, S. W.
Washington, D.C. 20554

Re: OMB Control Number 3060-1122 - Information Collection Mandated by the New and Emerging Technologies Improvement Act of 2008

Dear Sir or Madam:

Pursuant to the FCC Public Notice DA 10-240 dated February 5, 2010 the State of Montana is filing the following information.

FCC Request #1

A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET911 Act, has established a funding mechanism designated for or imposed for the purposes of 9-1-1 or E9-1-1 support or implementation (including a citation to the legal authority for such mechanism).

Response

The Montana legislature delegated to the Department of Administration (DOA), an executive branch agency, responsibility to assist in the development of a 9-1-1 emergency telephone system. The legislature levied a surcharge fee on all telephone lines to fund the implementation, operation, and maintenance of the system. The 9-1-1 Program, which is a part of DOA's Public Safety Services Bureau, is responsible for oversight of 9-1-1 activities.

Cite: Montana Code Annotated Title 10, Chapter 4, Parts 1 and 2 (MCA 10-4-102; MCA 10-4-201) http://data.opi.state.mt.us/bills/mca_toc/10_4.htm

FCC Request #2

The amount of the fees or charges imposed for the implementation and support of 9-1-1 and E9-1-1 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2009. A statement describing how the funds collected are made available to localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

Response

\$1.00 is collected for 9-1-1 services. The surcharge is based on \$.25 for basic 9-1-1, \$.25 for Enhanced 9-1-1 and \$.50 for wireless 9-1-1. The monthly surcharge is imposed on telephone exchange access services, wireless telephone service, or other 9-1-1 accessible services.

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The total amount collected for the calendar year ending December 31, 2009 was \$13,172,462.14.

DOA makes quarterly distributions of the entire basic and enhanced 9-1-1 accounts on a per capita basis. Distribution of the wireless 9-1-1 account provides for a 'small county sunset' provision that divides such that 84% is distributed to all counties on a per capita basis. The remaining 16% is divided evenly to counties with 1% or less of the population. This provision will sunset in 2011. After the provision has sunset the entire wireless account will be distributed based on per capita basis.

"9-1-1 Funding Guidelines" and "Carrier Cost Recovery Guidelines" establish the criteria for the expenditures of the 9-1-1 fees. The Department of Administration, in conjunction with the State 9-1-1 Advisory Board adopted administrative rules to implement these guidelines.

Cite: Montana Code Annotated Title 10, Chapter 4, Parts 2 and 3 (MCA 10-4-201; 10-4-302; 10-4-311; 10-4-313) http://data.opi.state.mt.us/bills/mca_toc/10_4.htm

FCC Request #3

A statement identifying any entity in your State that has the authority to approve the expenditure of funds collected for 9-1-1 or E9-1-1 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 9-1-1 or E9-1-1.

Response

DOA has authority to monitor implementation of approved basic, enhanced and wireless 9-1-1 system plans for compliance and use of funding. Local PSAPs are responsible for implementing, operating, maintaining, and improving 9-1-1 operations locally. "9-1-1 Funding Guidelines" and "Carrier Cost Recovery Guidelines" establish the criteria for the expenditures of the 9-1-1 fees.

The Guidelines are on the 9-1-1 Program web page at <http://pssb.mt.gov/911programs.mcp.x>.

Cite: Montana Code Annotated Title 10, Chapter 4, Parts 1 and 3 (MCA 10-4-102; 10-4-114; 10-4-303) http://data.opi.state.mt.us/bills/mca_toc/10_4.htm

FCC Request #4

A statement whether all the funds collected for 9-1-1 or E9-1-1 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for implementation or support of 9-1-1 or E9-1-1.

Response

All fees are deposited in four separate special revenue accounts. Legislation passed in the 2009 legislative session clarifies existing statute and ensures that all 9-1-1 fees are deposited in

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9-1-1 special revenue accounts to be distributed to the local 9-1-1 jurisdictions and fund the State 9-1-1 Program Office.

*Cite: Montana Code Annotated Title 10, Chapter 4, Part 3 (MCA 10-4-301)
http://data.opi.state.mt.us/bills/mca_toc/10_4.htm*

FCC Request #5

A statement identifying what amount of funds collected for 9-1-1 or E9-1-1 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 9-1-1 or E9-1-1 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 9-1-1 or E9-1-1 purposes were made available or used.

Response

The State of Montana has not used funds collected for 9-1-1 or E9-1-1 for unrelated to the implementation, support or operation of 9-1-1 programs.

FCC Request #6

Any other comments the respondent may wish to provide regarding the applicable funding mechanism for 9-1-1 and E9-1-1.

Response

Montana took proactive steps to clarify existing statute to ensure all 9-1-1 funds were used solely for 9-1-1 purposes. Effective July 1, 2009 the Legislature passed a bill that created a special revenue fund for the administrative costs and reduced 9-1-1 funds for the program's administrative costs. Any remaining administrative funding is required to be distributed to the 9-1-1 jurisdictions at the end of each fiscal year. Over the history of the program the State of Montana never diverted any 9-1-1 fees or used fees for purposes other than identified in the governing statutes.

Chairman Genachowski accepted my recommendation to appoint Ms. Becky Berger to the FCC Communications Security, Reliability and Interoperability Council (CSRIC).

Ms. Berger is my designated 9-1-1 Representative. If you need additional information please contact her at (406) 444-1966.

Sincerely,



BRIAN SCHWEITZER
Governor